

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30001-30050

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 29, 1939]

30001. Misbranding of Chewing Laxative and Cold Tablets. U. S. v. 77 Cartons of Chewing Laxative and 98 Cartons of Cold Tablets. Default decrees of condemnation and destruction. (F. & D. Nos. 43637, 43638. Sample Nos. 22340-D, 22341-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On September 7 and 8, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of the above-named drug products at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on or about July 20, 1938, by Peltz-Kauffer Co., Inc., from South Bend, Ind.; and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled: "Blackstone's Tru Laxative Bromides Quinine Cold Tablets"; and "Tru-Lax Mint Flavored Chewing Laxative."

Analysis showed that the cold tablets consisted of acetanilid (1.5 grains per tablet), quinine, bromides, and a laxative plant drug; and that the Chewing Laxative contained phenolphthalein (1 grain per piece), gum, sugar, and flavoring material.

The Chewing Laxative was alleged to be misbranded in that the statement "Just like your favorite gum for all the world just for pleasure," appearing in the circular, was false and misleading since it represented that the article was just like your favorite gum; whereas it was not since it contained phenolphthalein. It was alleged to be misbranded further in that the following statements in the labeling regarding its curative or therapeutic effects were false and fraudulent; (Retail carton) "Tru-Lax * * * laxative assimilated with the saliva will cause your bowels to function without any griping or distressing feeling"; (display carton) "For Constipation A Pleasant Laxative for Children * * * Use it For Your Health's Sake"; (circular) "Its laxative reaction is quick, generous and inevitable. * * * gentle, smooth and without upsetting symptoms or distressing upset to the stomach. * * * Get the habit of chewing Tru-Lax every day so you will help eliminate the causes of constipation." The article also was alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act.

The cold tablets were alleged to be misbranded in that the statement "Quinine in this form does not affect the head," appearing on the box and in the circular, was false and misleading since it represented that the article would not affect the head; whereas it would affect the head. It was alleged to be misbranded further in that the following statements in the labeling regarding its curative or therapeutic effects were false and fraudulent: (Box) "These tablets are an ideal preparation for * * * coughs and the gripe. The second and third dose will alleviate the feverish conditions * * * Take the tablets sufficiently to keep the bowels open freely until relief sets in"; (display carton) "For Coughs, * * * For Your Health's Sake For * * * La Grippe"; (circular) "These tablets are an ideal preparation for * * *

Coughs; Headaches and the La Grippe. The second or third dose will alleviate the feverish conditions * * * Take the tablets until the bowels open freely, and relief sets in [similar statements in foreign languages]."

On November 15 and 29, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30002. Adulteration and misbranding of Juvenol. U. S. v. 125 Bottles of Juvenol. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43981. Sample No. 39534-D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects, and false and misleading representations regarding its constituents.

On September 30, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of Juvenol at Portland, Oreg.; alleging that the article had been shipped in interstate commerce on or about April 11, 1938, by the Himalayan Research Laboratories from Santa Monica, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mineral oil (approximately 27 percent) and fatty oils including castor oil.

The article was alleged to be adulterated under the provisions of the law applicable to drugs in that its strength and purity fell below the professed standard or quality under which it was sold, namely, (label) "Made from Choice Almonds, Pecan Nuts, Olives, Castor Oil Seeds and Peach Kernels," (circular headed "Juvenol," a supply of which was furnished the consignee by the consignor) "An ancient Himalayan Remedy (Himalayan Oil) made from choice nuts, seeds and fruit kernels," since it contained a substantial proportion of mineral oil.

It was alleged to be misbranded under the general paragraph applicable to foods and drugs in that the statements in the labeling, "A Rejuvenating Himalayan Remedy made from Choice Almonds, Pecan Nuts, Olives, Castor Oil Seeds and Peach Kernels * * * Can be Used as a Salad Dressing," were false and misleading when applied to an article that contained a substantial proportion of mineral oil and that was not suitable for use as a salad dressing. It was alleged to be misbranded further under the provisions applicable to drugs in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "'Juvenol' * * * A Rejuvenating Himalayan remedy, * * * Excellent for Kidney Stones, Gall Stones * * * Indigestion Obesity Colitis Rheumatism and all other complaints of the Liver, Spleen and Kidneys * * * Two tablespoonfuls a day will keep you fit and healthy." It was alleged to be misbranded further under the provisions of the law applicable to foods in that it was labeled, "Made from choice Almonds, Pecan Nuts, Olives, Castor Oil Seeds and Peach Kernels * * * Can be used as a Salad Dressing," so as to deceive and mislead the purchaser since it contained a substantial proportion of mineral oil and was not suitable for use as a salad dressing.

On November 14, 1938, J. C. Baird having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30003. Adulteration and misbranding of sandalwood oil. U. S. v. 7 Boxes, each containing 100 capsules of Sandalwood Oil. Default decree of condemnation and destruction. (F. & D. No. 44220. Sample No. 27125-D.)

This product failed to conform to the standard laid down in the United States Pharmacopoeia because of the presence of a terpineol, an added adulterant.

On October 22, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 boxes, each containing 100 capsules of sandalwood oil at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about July 7, 1938, by the Grape Capsule Co. from Allentown, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.